

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:09-CR-00072 |
| | : | |
| v. | : | (Judge Conner) |
| | : | |
| DESHAWN LIVINGSTON | : | |

ORDER

AND NOW, this 9th day of December, 2011, upon consideration of the motion (Doc. 498) for change of appointed counsel filed by defendant DeShawn R. Livingston ("Livingston"), and it appearing that the Third Circuit affirmed (Doc. 506) the judgment of sentence of the court on September 27, 2011, and it further appearing that the Fifth Amendment's Due Process Clause guarantees a criminal defendant counsel only on his or her first appeal as a matter of right see Ross v. Moffitt, 417 U.S. 600, 610-11 (1974) and that Livingston has no statutory right to counsel at this juncture see 18 U.S.C.A. § 3006A, it is hereby ORDERED that the motion (Doc. 498) to appoint new counsel is DENIED as MOOT.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge